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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JIMMY DOWNS,

Plaintiff,

v.

NEVADA TAXICAB AUTHORITY, et  
al.,

Defendants.

2:11-CV-453 JCM (PAL)

**ORDER**

Presently before the court is defendant's motion for attorneys fees and costs. (Doc. # 78).

The Ninth Circuit's recent opinion reversing and remanding this court's denial of summary judgment held only that defendant was entitled to immunity on plaintiff's section 1983 claims. (Doc. # 77). On remand, this court declined to exercise jurisdiction over the remaining state tort claims. (Doc. # 79). Thus the matter has not reached a final judgment in its entirety and the defendant's motion for attorneys fees and costs is premature.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion for attorneys fees and costs (doc. # 78) be, and the same hereby is, DENIED.

DATED May 2, 2014.

  
UNITED STATES DISTRICT JUDGE